

### Remarks

This Amendment is responsive to the Office Action dated June 25, 2008. Claims 3, 5-8 and 10 are withdrawn from consideration, claims 1, 2, 4, 9 and 11-14 are rejected.

1,2. As will be shown hereinafter, claim 2 is clearly patentable over Ketcham et al; therefore, consideration of claims 3, 5-8 and 10 is respectfully requested.

3. Entry of the amendment to claim 13 is requested, inter alia, to remove the first "inlet" as required. Claim 13 has also been amended to clear up a non-joinder between "an inlet fuel distributor" and the "fuel inlet chamber". Claim 13 is also amended to clarify that the exhaust valve is upstream of the fuel inlet manifold (although claim 13 would be patentable due to the irrelevance of Ketcham et al). Lastly, claim 13 has been amended to solidify the last clause thereof. However, it is believed that claim 13 has not been changed relative to the issue of patentability as treated by the rejection, with the exception of locating the exhaust valve upstream from said fuel inlet manifold.

4,5. Claims 1 and 14 are rejected as indefinite, alleging that "Since both fuels (recycled and neat) are entering at the top of the fuel cell, it is unclear how the inlet manifold (53) is downstream of the baffle (54)...."

Enclosed are the Declarations of Gregory Reynolds and Robin J. Guthrie who are obviously well qualified in the field of fuel cells and related arts. These Declarations are based on well-known and widely accepted dictionaries and on documents of the United States Government: the patents to Ketcham et al and to Sawyer. Both Declarations were executed under the penalties of perjury. Therefore, these Declarations should be given great weight and will establish facts if not refuted by the Patent Office.

Paragraph 6 of the Reynolds Declaration establishes as prima facie fact that Fig. 5 is a side view and Fig. 6 is a top view as stated on page 5 of the specification. Stated alternatively, Fig. 5 is a view looking down into Fig. 6 in the same direction as the heavy solid arrow. Paragraphs 4 and 5 of the Reynolds Declaration establish the meaning of the term "downstream" as "in the direction of a stream" or "in the direction of a flow". Paragraphs 7-10 of the Reynolds Declaration establish as prima facie fact that fuel recycle gas is introduced into the manifold 53 which is downstream of the porous baffle 54. Therefore, reconsideration and withdrawal of the rejection of claims 1 and 14 as indefinite is respectfully requested.

6-8. Claims 2, 4, 9 and 12 are rejected as anticipated by or alternatively obvious over Ketcham et al (Ketcham). Paragraph 11 of the Reynolds Declaration and paragraph 4 of the

Guthrie Declaration establish as prima facie fact that Ketcham calls the tube 36 a "manifold tube" or a "manifolding tube".

Paragraphs 12-15 of the Reynolds Declaration and paragraph 4 of the Guthrie Declaration establish as prima facie fact that each cell has an annulus which is isolated from other annuluses by baffle disks 67. Fuel passes through perforations 59 in the tube 36 into the annulus and thence into the fuel cell. The Declarations conclude that the space outside of the tube 36 (any annulus) is not "a fuel inlet manifold in fluid communication with all of said fuel flow inlets" as required in claim 2.

Paragraph 16 of the Reynolds Declaration and paragraph 5 of the Guthrie Declaration establish as prima facie fact that there is no "inlet chamber including a permeable baffle through which fuel from said chamber is flowed into said inlet manifold" as called for in claim 2. It is clear that the inlet manifold 36 in Ketcham is not separated from a chamber upstream thereof by a perforated baffle. Thus, Ketcham does not have the arrangement claimed in claim 2.

Claims 4, 9 and 12 depend from claim 2 and are patentable for the same reasons. Therefore, reconsideration and withdrawal of the anticipation and obviousness rejections of claims 2, 4, 9 and 12 over Ketcham is respectfully requested.

9. Claim 13 is rejected as obvious over Ketcham in view of Sawyer. As is described in paragraphs 6-8 above, Ketcham does not render obvious the first nine lines of claim 13. Further, claim 13 has been amended to require the exhaust valve to be upstream from the fuel inlet manifold, whereas Sawyer's valve is downstream of the inlet manifold, the anodes 14, and the fuel exit manifold, as is established as prima facie fact in both paragraph 17 of the Reynolds Declaration and paragraph 6 of the Guthrie Declaration. Therefore, claim 13 as amended includes limitations not found in either of the references, and is not rendered obvious thereby. Withdrawal of the rejection of claim 13 over the two references is respectfully requested.

10. Claims 1 and 14 are rejected as obvious over Ketcham and Sawyer. As described in paragraphs 6-8 hereinbefore, Ketcham does not disclose the relationship in the first ten lines of claim 1 (regardless of the exhaust valve) and of claim 14. Sawyer discloses that the fuel recycle enters the fuel inlet manifold 26 at the same point as fuel from the fuel supply pipe (following fuel pressure regulator 24), which is established as prima facie fact by paragraph 17 of the Reynolds Declaration and by paragraph 6 of the Guthrie Declaration. Therefore, the combination of Sawyer and Ketcham does not have fresh fuel going into a chamber that is connected to the inlet manifold through a permeable baffle, and also has recycle fuel being provided directly into the inlet manifold, as is called for in both claims 1 and 14.

Reconsideration and withdrawal of the rejection of claims 1 and 14 over Ketcham and Sawyer is respectfully requested.

To save the Examiner considerable time when this case is taken up, a short phone call is recommended should any issue herein still be unresolved. A few minutes on the phone could clarify a point, or result in a supplemental response which would further limit or dispose of issues. A five minute phone call can save the Examiner a lot of work. Such a phone call would be deeply appreciated.

Respectfully submitted,



M. P. Williams

Attorney of Record

Phone: 860-649-0305

Fax: 860-649-1385

E-mail: [mw@melpat.com](mailto:mw@melpat.com)

210 Main Street  
Manchester, CT 06042

Date: September 24, 2008